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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,075	09/29/2003	Kevin P. Parker	PRKR-4400	1218

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EXAMINER

CARTER, MONICA SMITH

ART UNIT PAPER NUMBER

3722

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/674,075

Applicant(s)

PARKER, KEVIN P.

Examiner

Monica S. Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 5 is objected to because of the following informalities: the applicant omitted the word "of" in the last line of the claim. The examiner assumes that the claim should read "...configuration having a form factor of a conventional cover". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claim 1, the applicant claims "exposing first and second segments of pressure sensitive adhesive subsequent to the securing." The applicant does not make reference to segments of pressure sensitive adhesive previously in the claim. It is therefore unclear as to where the segments of pressure sensitive adhesive are. For purposes of examination the examiner will regard the segments of pressure sensitive adhesive to be on the spine member claimed in the line directly above.

### ***Claim Rejections - 35 USC § 102***

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, 7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Abildgaard et al. (3,749,422).

7. Abildgaard et al. disclose a method for binding a stack of sheets comprising; providing first and second end leafs (23), disposing the stack of sheets intermediate the end leafs (See figure 4), applying molten hot melt adhesive to the edge of the stack and securing an elongated spine member to the edge of the stack (Col. 1, lines 28-32, discloses attaching the spine edge to the uncased book by any various means. Col. 5, lines 13-18, discloses using the "perfect binding" method with his apparatus, which involves molten hot melt adhesive to secure the spine to the uncased book. Also spine member 48), exposing segments of pressure sensitive adhesive (59) and attaching them to the end leaf (See figure 4). In addition, Abildgaard et al. also disclose a method of providing a hard cover assembly (56) with pressure sensitive adhesive layers (36) and attaching the cover to the end leaf by way of the pressure sensitive adhesive (See figure 4).

8. Regarding claim 3, Abildgaard et al. disclose exposing only a portion of the pressure sensitive adhesive layer, adhering that portion to the end leaf and then repeating for the remaining portion (See Figure 11)

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9. Regarding claims 4 and 7, Abildgaard et al. disclose the pressure sensitive adhesive being applied either to the spine (Col. 3, lines 40-50) or the end leaf (Col. 2, lines 62-66) and being covered by a releasable liner.

10. Regarding claims 10 and 11, Abildgaard et al. disclose a spine member (48), first and second pressure sensitive adhesive segments with release liners (The two segments can be considered either the front and back of the spine member, Col. 3 lines 40-45, or as the side portions of the spine member (59) as seen in Figure 4). The spine member being of similar length and less than half the width of the sheets (See figure 3).

11. Regarding claim 12, Abildgaard et al. disclose an end leaf (23), a spacer member attached to the end leaf (26), a segment of pressure sensitive adhesive disposed on the end of the leaf proximate to the fold (59) and a release liner disposed over the segment of pressure sensitive adhesive (Col. 1, lines 19-24).

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 5, 6, 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abildgaard et al.

14. Regarding claims 5, 6, 8 and 9, Abildgaard et al. disclose the claimed method except for explicitly disclosing the wrapping of the spine by a conventional binding

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machine. However, they do disclose the spine being adhered to the sheets by any of various means (Col. 1, lines 28-32). It would have been obvious to one of ordinary skill at the time the invention was made to adhere the spine to the sheets using a conventional binding machine.

15. Regarding claim 13, Abildgaard et al. disclose a binding apparatus comprising an elongated spine member having openings (22), covered by a release sheet (37), (See figures 10-14). Abildgaard et al. disclose the openings for having studs pass through them to secure the spine member to the sheets. It is well known in the art that studs and molten hot melt adhesive are equivalent forms of adhering two structures to one another. It would therefore be obvious to one of ordinary skill in the art to construct the holes as disclosed for the purpose of permitting molten hot melt adhesive to flow through them, thus connecting two structures to one another.

### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art discloses binding methods and apparatus'.

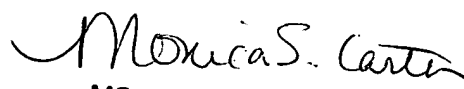
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica S. Carter whose telephone number is (571)-272-4475. The examiner can normally be reached on Mon-Thurs (6:00am-3:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSC

  
**MONICA S. CARTER**  
**PRIMARY EXAMINER**